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TO
DoD GRANT AND
AGREEMENT
REGULATIONS

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(DoD 3210.6-R) *CHANGE-1*
1994 Edition

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25 JAN 1995

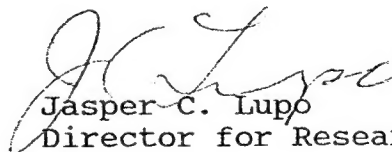
MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
CHIEF OF NAVAL RESEARCH
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTOR, CONTRACTS MANAGEMENT OFFICE, ARPA
DEPUTY DIRECTOR (ACQUISITION), DLA
DEPUTY GENERAL COUNSEL, DISA
DIRECTOR, ACQUISITION MANAGEMENT, DNA
CHIEF, RESEARCH AND TECHNOLOGY, NSA
DIRECTOR, OFFICE OF ECONOMIC ADJUSTMENT, OUSD(A&T)
PRESIDENT, USUHS

SUBJECT: Defense Grant and Agreement Circular 94-1A (Amended)

This is a corrected version of the first Defense Grant and Agreement Circular (DGAC) that I sent to you yesterday (see attached memorandum), to transmit a rule concerning military recruiting on university campuses. The Circular provided new pages 23-1 and 23-2 for insertion into the interim-guidance version of the DoD Grant and Agreement Regulations (DoDGARs). Unfortunately, one line of text was omitted from the top of the new page 23-2.

Attached is a corrected set of pages 23-1 and 23-2, for transmission to offices within your Department or Agency that award or administer grants and cooperative agreements. The corrected pages may be distinguished from those sent yesterday by the DGAC number and date at the upper left of the two DoDGARs pages.

I regret any inconvenience this error may have caused.


Jasper C. Lupo
Director for Research

Attachments

cc: Director, Accession Policy, OUSD(P&R)
Director, Accounting Policy, OUSD(C)
Chief, Contract Pay Division, DFAS
Assistant Director, Policy and Plans, DCAA
Assistant Inspector General (Audit Policy and Oversight)





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24 JAN 1995

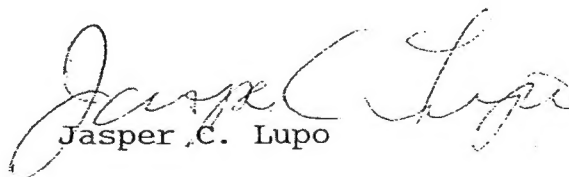
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CHIEF, RESEARCH AND TECHNOLOGY, NSA
DIRECTOR, OFFICE OF ECONOMIC ADJUSTMENT, OUSD(A&T)
PRESIDENT, USUHS

SUBJECT: Defense Grant and Agreement Circular 94-1

This is the first Defense Grant and Agreement Circular under the interim-guidance version of the DoD Grant and Agreement Regulations (DoDGARs) that the Director of Defense Research and Engineering (DD&RE) issued in February, 1994. It transmits a rule concerning military recruiting on university campuses.

The DDR&E approved the attached, interim rule to implement section 558 of the National Defense Authorization Act for Fiscal Year 1995 [Public Law 103-337 (1994)], as that section applies to grants. The rule was effective immediately upon publication in the Federal Register on Tuesday, January 24, 1995.

Please transmit a notice about this requirement to offices within your Department or Agency that award or administer grants and cooperative agreements. They may remove pages 23-1 and 23-2 from the interim-guidance version of the DoDGARs (DoD 3210.6-R), and insert the attached pages 23-1 and 23-2 in lieu of those removed. Please also note that this rule is in full effect, unlike some other parts of the interim-guidance DoDGARs.


Jasper C. Lupo

Attachment

cc: Director, Accession Policy, OUSD(P&R)
Director, Accounting Policy, OUSD(C)
Chief, Contract Pay Division, DFAS
Assistant Director, Policy and Plans, DCAA
Assistant Inspector General (Audit Policy and Oversight)



NOTE: Part 23 implements a statutory requirement as it applies to grants. Consequently, compliance with these procedures is not discretionary, unlike some other parts in this interim-guidance draft of the DoD Grant and Agreement Regulations. As an interim rule, Part 23 took effect immediately upon being published in the January 24, 1995, Federal Register, in parallel with the public being given the opportunity to comment. The rule will appear in future editions of Title 32 of the Code of Federal Regulations (CFR), at 32 CFR 23. For convenience, the full text of the interim rule published in the Federal Register [at 60 FR 4544-45] is as follows:

PART 23-GRANTS AND AGREEMENTS--MILITARY RECRUITING ON CAMPUS

§23.1 Military recruiting on campus.

(a) Clause for award documents.

(1) Grants officers shall include the following clause in grants and cooperative agreements with institutions of higher education:

"As a condition for receipt of funds available to the Department of Defense (DoD) under this award, the recipient agrees that it is not an institution that has a policy of denying, and that it is not an institution that effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes: (A) entry to campuses or access to students on campuses; or (B) access to directory information pertaining to students. If the recipient is determined, using procedures established by the Secretary of Defense to implement section 558 of Public Law 103-337 (1994), to be such an institution during the period of performance of this agreement, and therefore to be in breach of this clause, the Government will cease all payments of DoD funds under this agreement and all other DoD grants and cooperative agreements, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award."

(2) If a recipient refuses to accept the clause in paragraph (a)(1) of this section, the grants officer shall determine that the recipient is not qualified with respect to the award, and may award to an alternative recipient.

(b) Language for program solicitations.

(1) To notify prospective recipients of the requirement in the paragraph (a) of this section, grants officers shall

include the following notice in program announcements or solicitations under which grants or cooperative agreements may be awarded to institutions of higher education:

"This is to notify potential proposers that each grant or cooperative agreement that is awarded under this announcement or solicitation to an institution of higher education must include the following clause:

"As a condition for receipt of funds available to the Department of Defense (DoD) under this award, the recipient agrees that it is not an institution that has a policy of denying, and that it is not an institution that effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes: (A) entry to campuses or access to students on campuses; or (B) access to directory information pertaining to students. If the recipient is determined, using procedures established by the Secretary of Defense to implement section 558 of Public Law 103-337 (1994), to be such an institution during the period of performance of this agreement, and therefore to be in breach of this clause, the Government will cease all payments of DoD funds under this agreement and all other DoD grants and cooperative agreements, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award."

"If your institution has been identified under the procedures established by the Secretary of Defense to implement section 558, then: (1) no funds available to DoD may be provided to your institution through any grant, including any existing grant; (2) as a matter of policy, this restriction also applies to any cooperative agreement; and (3) your institution is not eligible to receive a grant or cooperative agreement in response to this solicitation."

(2) Grants officers may include introductory language with the language in paragraph (b)(1) of this section, to tailor the notice to the circumstances of the particular announcement (e.g., to reflect a Broad Agency Announcement under which a DoD Component would award contracts, as well as grants and cooperative agreements). However, the language and the intent in paragraph (b)(1) may not be changed without the approval of the Director, Defense Research and Engineering [requests for such approval are to be submitted, through appropriate channels, to: Director for Research, ODDR&E(R), 3080 Defense Pentagon; Washington, D.C. 20301-3080].